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SEPA Responsible Official

Habitat Program

Washington Department of Fish and Wildlife

RE: **WDFW SEPA DNS 13-082 WHISKEY DICK WILDLIFE AREA SEASON ROAD CLOSURE** (2-1-2014-4-30-2014)

This SEPA is yet one more example of WDFW's systematic and relentless road closing agenda in Region 3. The track record of Region 3 to close roads to eliminate traditional motorized travel in this general landscape is well documented.

Citizens and the Kittitas County Field and Stream Club challenged the closure and annihilation of Tekison Creek and Stray Gulch roads starting in early 2012 regardless of our challenge of the underlying action of the project. The project was completed in secret and hydraulics/erosion problems were fixed by WDFW with a clandestine helicopter operation in early April 2013. The reason WDFW Region 3 rushed this project in April is because our challenge was formidable and all elements of it were proving to be correct. The month of April would be during the epicenter of the most sensitive time for "fish" that are alleged to be in the streams. The project timing violated every syllable of the Department's own SEPA that they wrote for themselves, self-regulated and self-enforced. In the end, WDFW confirmed to everyone that their concern for "fish" actually stops at a point where they no longer need "fish" as a code word to gain support and / or funding for their projects. A close reading of this Winter Closure SEPA document exposes similar tendencies. These actions and others lead us to be skeptical about the rationale for road closure projects in general, but also the questionable projects and the questionable methods. (Including the use of photos taken turning historic, record-breaking rainfall events.) These photos were used to embellish water flow on roads and they showed up in five separate official documents or presentations including a SEPA document to close Stray Gulch and Tekison roads. We have no reason to believe that any of their tactics have changed as they make yet another Determination of Non-Significance (DNS) on their own project.

WDFW's tendency towards the use of "fantasy science" and "fiction writing" was highlighted by the 2013 Legislature when it passed a law that essentially states that WDFW can't lie on documents and their science must be verified. Bugle Magazine articles do not qualify as scientific proof and subjective opinions won't work anymore either.

Opposition to this winter closer proposal comes from a broad base of citizens (almost 600 signatures and KCFSC) as well as community leaders (Chamber) local elected (County Commission letters) State elected officials (Proviso) and Sportsmen Groups (WWC/HHC) letters.

WDFW's refusal to acknowledge the reality of this overwhelming opposition to their agenda is especially troublesome when they exaggerate their alleged support for this closure after public meetings that clearly reflect the opposite. The 2013 legislature sent another strong message to WDFW by passing a proviso that carries a theme mandating that roads stay open for motorized travel. The skepticism that prevails amongst citizens and elected is magnified when WDFW in Region 3 constantly twists the narrative in their writing and documents to run things their way (i.e. "fiction writing"). They need to be reminded that these are our lands not theirs.

In Section A-Line 7: of the environmental checklist WDFW answers YES to the question as to whether future additions or expansions are planned. The answer given discusses the Naneum to Columbia Recreation Plan which calls for a Program SEPA document separate from this Project SEPA document. Therefore the two issues are not related. We believe that the real premise for WDFW to answer YES to this question is for the purpose of expanding the “winter” closure to more of the landscape as well as adding an extended time frame.

Question 1-F in Section B is answered – YES by WDFW. This is an unqualified and subjective opinion not based on science as required by 2013 House Bill 1112 RCW 34.05 new section 1 & 2.

Question 2-A in Section B is answered by WDFW in a manner to imply that vehicles in this area during February, March and April will distribute exhaust omissions and cause dust at harmful levels and in a negative fashion. This is an unqualified and subjective opinion not based on science as required by 2013 House Bill 1112 RCW 34.05 new section 1 & 2.

WDFW’s answer to question 3-A1 Section B is another embellished description of these streams to sensationalize their status. The use of the word “primary”, would have worked quite well here but that doesn’t get the attention of proponents’ sympathy for this project that have most likely never been to this 44,000 acres of public land.

WDFW’s answer to question 3-A5 Section B will be particularly troublesome for them to defend given the abysmal reputation they have in Region 3 of exaggerating “flooding” to justify closing roads in other parts of the Quilomene, Colockum and Whiskey Dick as well. Secondly, according to FEMA none of the area proposed for this “winter closure” is within the 100-year flood plain as WDFW erroneously stated. Therefore, WDFW must provide verified science (including photos and maps) as required by 2013 House Bill 1112 RCW 34.05 new section 1 & 2.

WDFW’s response (“will reduce erosion”) to 3-C-1 Section B in the 3<sup>rd</sup> sentence is an unqualified and subjective opinion that is not the premise for the description asked for. Furthermore, the sentence is not based on science as required by 2013 House Bill 1112 RCW 34.05 new section 1 & 2. WDFW also states the following: “most roads within the proposed winter range closure area lack water management structures such as water bars or catch basins” our question is --- why do these areas lack water management structures? These roads are open for motorized travel for nine months out of the year outside of the proposed winter closure. Show us by way of the WLA Plan, employee work plan or engineering plan (hopefully in process) that “fix the problems” related to the water crossings. The lack of plans or management direction in this regard will support our challenge thesis. Siltation and erosion are the result of poor maintenance planning by the WLA manager who would rather see all of the roads closed.

WDFW’s comment in 3-d Section B is an unqualified and subjective opinion that has no basis in fact. The proof of scientific fact and analysis must be shown to back up this totally erroneous and misleading comment as per legislative law 2013 House Bill 1112 RCW 34.05 new section 1 & 2. There is also a need to invoke reasonable and practical common sense.

WDFW answers none to question 4-b Section B. This closure is allegedly designed to potentially accommodate several thousand elk. The answer given by WDFW assumes that those elk won't be grazing if no vegetation will be removed or altered on this landscape. This assumption would also lead a logical person to endorse without opposition the future grazing (or application for grazing) of a similar number of cattle in the same area and that cattle grazing would not create a negative impact. For now, I want to see scientific data that verifies the impact from elk grazing is -----"none".

WDFW states in 5-b Section B that upper-Columbia River steelhead-Federal Threatened are on or near this site. This statement is false and is simply designed to elicit false concern from fish conservationists and sport fishers who trust this SEPA document is backed by scientific proof. Therefore, provide me scientific proof as per legislative law [2013 House Bill 1112 RCW 34.05 new section 1 &2]. A possible source for you to consider is WDFW's internal Data Base.

5. C Section B addresses wintering elk and deer moving north and east. The elk would prefer to move farther south if they could pass through a Wildlife Tunnel under I-90 to access over 500 square miles of accommodating public land. This document alleges to provide a theme of what is best for elk. If a future I-90 tunnel that prevents this proposed winter closure is not in the best interest of elk-----explain why. Having this new "potential travel corridor" would seem like a win-win for elk conservation, highway safety and recreational users of the Whiskey Dick. This also meets the Conservation Northwest organization's I-90 corridor wildlife tunnel agenda.

5-d Section B addresses elk disturbance and displacement. The proposal for this closure is not based on scientific proof that having the alternative (area open to motorized travel) is harmful to elk. If we can assume that scientific proof can be provided regarding disturbance in general, the Modern Firearm Elk Season will also be shown to be a significant disturbance and displacement factor in the life of especially 5-month old calf elk and freshly bred cow elk as well. Therefore, the same methodology and focus WDFW uses to acquire alleged scientific proof of disturbance should also be considered for the time and manner the Modern Firearm Elk Season is conducted and administered in the entire Colockum. We need an answer as to why a political decision to sell tags and licenses for revenue, that intentionally induces actions to disturb and kill elk, supersedes consideration for what is actually better for elk, as per their health, welfare and overall conservation as they go into winter. In other words, consider this thought to frame your answer: How is it that relatively few vehicles per month passing through this landscape on legal Green Dot roads during each of the closure months, causes all of the alleged disturbance and damage, but the hundreds of vehicles causing massive disturbance during the Elk season is somehow okay? Finally on this point—We suggest WDFW ask the Rocky Mountain Elk Foundation (RMEF) if they would rather have a "winter closure" that has no scientific basis to justify it, or would they rather have their access to the Modern Firearm Elk Season further restricted ( walk-in only) or simply eliminated because that activity is a proven Elk disturbance factor? There are more "poaching" violations during the Elk Season than any other time of the year. WDFW,RMEF, WSA and other proponents in favor of this proposal cannot have it both ways. We are forced to raise the specter of this un-spoken truth as we continue to defend traditional motorized recreational access to our public lands. We look forward to any challenge of our statement in an anticipated formal forum. The "guests" at the top of our list will be Fish and Wildlife Enforcement supervisors and officers in Region 3 that have

either worked the Colockum Elk Season or can provide arrest data and professional insight. Our other “guests” will be Region 3 Biologists and Land Managers who will explain with specificity--- why are West Bar Cow Elk permits issued to hunters during the Modern Firearm Elk Season?

WDFW’s answer to Question 7 b-2 Section B implies that without the closure, there would be noise occurring from motorized vehicles at unacceptable decibel levels. This is one of the most unbelievable examples of “fiction writing” We have ever seen come from WDFW to date. Therefore, this unqualified and subjective opinion needs a desperate attempt at scientific backing to meet the requirements of the legislative law, 2013 House Bill 1112 RCW 34.05 new section 1 & 2.

Question 8-h Section B asks if there are classified “environmentally sensitive”: areas in this landscape. WDFW’s definition of “Priority Habitat” does not meet the threshold of “environmentally sensitive” – therefore WDFW’s answer once again is designed to exaggerate the status of this landscape not only to promulgate this closure but to set the stage for future closures as well. These species have co-existed comfortably in this landscape for decades with or without this project winter closure.

8-L Section B —this proposal is not consistent with the plan being formulated with the Naneum to Columbia Recreation Plan because this project eliminates traditional motorized recreation. There is no evidence that WDFW has engaged with the DNR to resolve this conflict in management even though they are “partners” in the N/C Recreation Planning process. Therefore, there is no compatibility and this closure project should be voided. Additionally, WDFW appears to acknowledge that they have a responsibility to mandates. We want to remind them that this includes legislative mandates. (i.e. 2013 House Bill 1112 RCW 34.05 new section 1 & 2 and the 2013 Legislative Capital Budget Proviso that protects traditional motorized access to this landscape.)

The response WDFW provides for Question 12-c Section B is false. The road described as “mitigation” does not need to be debated as to whether it is closed or open. It has been open and remains an open road.

There is one fact looming around this proposed project that is difficult to comprehend and will prove to be problematic to WDFW as they attempt to promote this project:

In early 2012, WDFW promulgated Policy 6012- Managing Public Access on Public Lands. Although required, that policy was not activated for this (Whiskey Dick Winter Elk) closure in 2013 by way of the SEPA process. Simultaneous with this closure, already scheduled for starting on February 1, 2014, the following Winter Elk Closures, restricting motorized vehicles have already started without a SEPA process that is required in Policy 6012.

1. Joe Watt Canyon
2. Robinson Canyon
3. Oak Creek Game Range
4. Wenas Game Range

WDFW in Region 3 ignored the above areas because their tunnel vision focus is to close as many roads as possible in the Whiskey Dick, Quilomene, Colockum with every intent to defy the wishes of the public, local elected, the Legislature and without providing full disclosure to the WDFW Administration while side-swiping the WDFW Director. For WDFW in Region 3, it's not about what is best for elk or the spirit of obtaining public input via policy 6012, it is all about ruling-over and restricting traditional motorized recreational access --period.

Road closure proposals in Region 3 are straight forward attacks on KCFSC, citizens, Kittitas County Commission and the Legislature because we all oppose road closures and this project is a signature example of WDFW's Region 3 Road Closing agenda. Five separate SEPA's should be in process simultaneous and WDFW Wildlife Area Managers in Region 3 need to explain why they are not. All of the other four Elk Wintering areas need to be re-opened immediately for motorized recreational access. The very nature of this inconsistency and hypocrisy in policy management by Region 3 should diminish the level of acceptability this project receives from anyone----especially WDFW management. This issue needs to be dealt with so we can avoid having to deal with an expanded challenge.

The Wenatchee Sportsmen's Association is in favor of an expanded version of this winter Elk Closure. This is because WSA is also in favor of impeding the tribal hunting rights of the Yakama Nation to hunt big game in this landscape. Leadership of the WSA stated at an Elk Winter Closure public meeting in Ellensburg in January 2013 that the WDFW Fish and Wildlife Commission had asked them to write a letter (to "All Washington Hunters" and the press) supporting the closing of roads to impede tribal hunting. This statement was made in front of 150 witnesses including high ranking WDFW officials and two WDFW Commissioners. WDFW has endorsed the WSA agenda to impede tribal hunting by following the WSA's road closing template. WDFW has not provided proven science for this winter Elk closure. Therefore, a logical conclusion would be to assume that WDFW is following the direction given to them by the WDFW Commission to impede tribal hunting. When the tribes' access is impeded so is the publics' and we are not okay with that.

This project SEPA needs to be removed from consideration immediately.

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